

**Honolulu High Capacity AFEIS, June 18,2009**

**TPE-30 Comments**

**July 27, 2009**

In response to agency comments:

please send an underlined/strikeout copy in track changes mode to FTA HQ for review.  
An electronic version is acceptable.

Do not forget to:

- Include a transmittal letter for EPA filing after the doc is signed.
- Distribute copies to the DOI
- Post the signed FEIS and Appendices on the HRT website.
- The title should read: Final Environmental Impact Statement and 4(f) Evaluation
- Include a one page Abstract right after the signed page which includes a maximum of two paragraphs of text; dates, times and places of the associated public hearings and HRT and FTA contact info.

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**Document Design**

When describing specific mitigation measures that will be included in the ROD, identify the individual measures through alphabetization and number. E.g. the individual mitigation measures for noise and vibration should be N&V-1, N&V-2, etc. This facilitates creation of the ROD. At the discretion of the grantee, the numbering, alphabetization and specific language of each mitigation measure may be placed in an appendix with the general mitigation language remaining in the bulk of the document. Mitigation language must be clear as it will be rolled directly into the ROD.

**Preface**

Page i, at the end of the first paragraph insert language:

“Approval of this EIS is not an Administrative Action (as defined by 23 CFR 771.107)) and does not commit the FTA to approve any future grant request to fund the preferred alternative.”

Page ii, at the end of the second paragraph:

Change “~~At least...~~” to “No sooner than...”

Page ii, after the second paragraph, add a new paragraph:

“Should any construction phase of this project explicitly proceed without Federal funding, the mitigation measures contained in this document and the subsequent ROD for that phase of the project may be for information purposes only and may not be enforceable by FTA. However, it is true that Congress seeks to foster in public transportation law the development and revitalization of public transportation systems

that, among other goals, “minimize environmental impacts.” Development and revitalization of public transportation systems is seen as including the minimization of environmental impacts, as a shared responsibility among Federal, State and local governments and the people.”

Page ii, final paragraph:

Technical appendices and documents should be compiled on CDs and be available to anyone who asks. Post them on the HRT website alongside the FEIS.

### **Executive Summary**

Page S-4, next to last paragraph:

The text in this paragraph states that the Maintenance and Storage facility will be located at either of two places. However, the text on page 4-178, states that the 44 acre site in Waipahu near the CC has been chosen as the LPA. Modify the text in the Executive Summary.

Page S-6, next to last paragraph:

Change text to read: “Even with mitigation ~~there will be substantial~~ the Project will have significant adverse effects on to visual and aesthetic resources in the corridor.”

### **Chapter 02 Alternatives Considered**

The public comments on the DEIS were informative here. We could be vulnerable here for not “...objective(ly) evaluate(ing) all reasonable alternatives...” (Sec.1502.14(a)) Consequently, this chapter has to be bullet-proof because we need a convincing rationale for all, “...alternatives which were eliminated from detailed study (Sec.1502.14(a)) including environmental rationales.” CEQ FAQ 2(a) says, “reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.”

If the P&N is so finely crafted as to preclude all other reasonable alternatives except the preferred alternative – we could also be vulnerable. In this case, the P&N appear to be all about “improved transit travel times” and “level of performance.”

At the start of this process, HRT was requested to, at a minimum, craft one environmentally preferable alternative. This has not been done. See CEQ FAQ 6(a), “Section 1505.2(b) requires that, in cases where an EIS has been prepared, the Record of Decision (ROD) must identify all alternatives that were considered, . . . specifying the alternative or alternatives which were considered to be environmentally preferable.” The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101.

### **2.2 Alternatives Screening and Selection Process**

Beef-up the discussion of environmental screening in this section. Include a table of various alternatives and the environmental screening criteria or environmental scores that demonstrated why they were not selected for further environmental review. This should include the “broad range of alternatives” and the “alternatives considered in the alternatives analysis.”

Page 2-2, Figure 2, Planning and Project Development Process  
The permission to Enter PE date will have to change.

Page 2-3, first paragraph

Neither the NEPA process nor the alternatives analysis for this document are governed by the procedural steps for the New Starts process. Under NEPA, and FTA requirements (23 CFR 771 et. seq.) the evaluation shall, “not restrict consideration of alternatives...” Also, see CEQ1502.14(a): “Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.” Integrate a discussion of NEPA rules with New Starts guidance.

p. 2-3, first paragraph

Modify language: “...that will conclude ~~PE~~ and the Federal...”

page 2-41, Project Phasing

The narrative describes the Project as being constructed in four phases and cites Figure 2-41. On page 2-42, Figure 2-41 describes five Project phases. The Project is either four phases or five phases – align the narrative with the timeline in the Figure.

#### **Chapter 04 Environmental Analysis, Consequences & Mitigation**

Page 4-7, Table 4-1

Under Visual and Aesthetic Conditions, Section 4.8, describe the environmental effects as “significant” as related to the sector development plans and the “viewer response” to the DEIS. Describe the probable unavoidable adverse environmental effects as “significant and unavoidable.”

Same page, same table

Under Noise and Vibration, Section 4.10, describe the environmental effect of the project as having “moderate noise impacts.” Do not describe mitigation here. Under mitigation measures, describe vehicle skirts; move the parapet wall discussion to the mitigation section; describe project start-up noise testing and potential mitigation.

Page 4-9, Table 4-1

Expand the Archaeological, Cultural and Historic Resources section of the table and describe environmental effects, mitigation measures and probable adverse effects to parklands affected by the project.

Page 4-9, Section 4.8

Modify language, "...with surroundings, and discussion of probable significant and unavoidable adverse environmental effects was added."

Page 4-10, Section 4.10

Modify language, "...after mitigation ~~there will be~~ no impact is expected from the project.

Page 4-27, Mitigation

The DEIS describes property owners as being compensated, "...in accordance with the Real Estate Acquisition Management Plan (RTD 2008q)." Is this no longer the case? Describe the alternative plan.

Page 4-56, Mitigation

Cite or reference the standard mitigation measures in Section 4.4.

#### 4.7 Visual and Aesthetic Conditions

Both the DEIS and AFEIS cite the DOT criteria for determining visual impacts. I.e. Visual Impact = Visual Resource Change + Viewer Response. Based upon the response to the DEIS by interested organizations, stakeholders and concerned citizens the Viewer Response to the proposed project would have to be characterized as overwhelmingly negative. Both documents characterize the Visual Resource Change as "high." Despite the viewer response to the DEIS, the FEIS softens the language of the visual impacts in some areas when it should have taken the opposite view.

The environmental analysis in this section must link the visual elements of the sector development plans with the opinions of the many commenters. Describe the consistency between the visual elements of the plans and the commenter's views. Describe the project as having a significant visual impact based upon plans/policies, resource change and viewer response.

The visual and aesthetic impacts of this project are "significant" in terms of context and intensity (Sec. 1508.27). As currently envisioned, these adverse effects cannot by-and-large be mitigated. The nature of the beast is that it is a beast. Please change the nature of the narrative in this section to reflect this reality. In this case the impacts are significant and mitigation efforts will be marginal at best.

Page 4-57, fourth paragraph

In the DEIS, the Waikiki Special District (Section 21-9.80) was described as being a special district related to preservation and enhancement. Is this no longer the case?

Page 4-57, modify language

"...guidance specific to transit projects. When determining visual impacts, DOT guidance requires equating the visual impact with 1. the change in visual resource or view plane, plus 2.) the viewer response. Viewer response to the visual impact in the DEIS to the proposed project was overwhelmingly negative. (followed by new paragraph)

Page 4-63, High Significant Environmental Consequences

This is a NEPA document. Use “significant” in place of “high.” (See the discussion above on 1508.27) Describe the effects in terms of “context” and “intensity” in order to reflect CEQ language.

Page 4-64, The Project

Viewer groups and interested individuals have weighed in their perceptions of the visual impacts of the project. Significant impacts are not a matter of conjecture. Modify the text accordingly.

Page 4-65, Table 4-9

Change the measure of existing visual quality from “high” to “significant.” Modify the narrative in the assessment to reflect viewer input and protections afforded by sector development plans.

4.10 Noise and Vibration

Page 4-113 Environmental Consequences and Mitigation

The text must first describe the environmental consequences of the proposed project based upon FTA guidance and modeling results. Unfortunately, the Project Noise section conflates mitigation and consequences. The “integrated noise blocking parapet” is not part of an initial noise modeling assessment – it is part of the mitigation. Similarly, “wheel skirts” are not identified in the FTA guidance as part of a noise assessment – they are a mitigation measure. Both can be found in Table 6-12, Transit Sound Noise Mitigation Measures on page 6-37 of the FTA guidance.

Please modify the environmental consequences section following FTA guidance. Describe predicted noise impacts from an elevated heavy rail project using standard source reference sound exposure levels found on page 6-10 of the FTA N&V guidance. Identify resources modeled where moderate or severe impacts are predicted to occur. Do not include the effects of mitigation measures in the initial computation of noise exposure levels. Modify the accompanying map accordingly.

Include a map identifying the probable locations of TPSS.

Page 4-113 First paragraph:

The DEIS describes noise measurements as taking place at, “...upper floors of residential buildings with open lanais.” (p. 4-99) The text here states that noise testing was done on, “...upper floors of residential buildings.” Please clarify.

Page 4-113 Under Project Noise

The DEIS identifies 18 moderate noise impacts on the Airport alternative. Please explain how these 18 predicted impacts in the DEIS were reduced to three moderate impacts in the FEIS.

Page 4-114 Under Noise Mitigation

Describe proposed mitigation measures. Identify any receptors with modeled noise impacts after mitigation.

Under Noise Mitigation change language:

Upon project start-up, field measurements at noise impacted (elevated?) structures will be completed. Should noise impacts exceed FTA noise impact levels, further treatment mitigation may be carried out on the receivers with the authorization of the property owners. Once the Project is operating, noise levels will be re-measured to confirm that there are no project noise impacts.

Page 4-117 third paragraph

Explain how the Honolulu High-Capacity Transit Corridor Project Hazardous Materials Technical Report (RTD 2008i) differs from a Phase 1 Environmental Site Assessment.

Page 4-134 second paragraph

Were white terns observed in any of the trees scheduled for trimming or removal?

Page 4-173 second paragraph

The DEIS describes burials within the study corridor as “documented.” Are the Native Hawaiian burials no longer documented?

Page 4-177 Archaeological, Cultural and Historic Resources

Include a discussion on the adverse effects to the Dillingham Building.

#### 4.18 Construction Phase Effects

Change “may” to “will” and “could” to “will” in all narrative on commitments to mitigation. Identify the parties responsible for enforcing all Construction mitigation plans. The responsible party is the project sponsor not the individual contractor.

### **Chapter 05 4(f) Evaluation**

Page 5-14, Ke’ehi Lagoon Beach Park

Is there written concurrence from the officials with jurisdiction over the park that the project will have no adverse effect on the parks' activities, features, and attributes? Include narrative in the section. Include agreement letter in an appendix.

Page 5-18, Historic Sites

Identify all officials with jurisdiction.

Page 5-34, Dillingham Transportation Building

After reviewing information associated with the proposed alternatives to the “plaza touchdown,” TPE-30 remains unconvinced that the Alakea Street station entrance is neither feasible nor prudent. Pedestrian/automobile conflicts are a fact of life in an urban area, and the “peak period” ped/auto conflict presented in the AFEIS (p. 5-38) is not representative of normal sidewalk/auto exit conditions. The AFEIS presents a “worst

case” scenario as justification for the selection of an alternative that will have several substantial impacts.

The “plaza touchdown” favored in the FEIS would:

- Be a direct use of an historic resource
- Allow Downtown Station construction close to the Dillingham Building. The bulk of the station is adjacent to one of downtown’s outstanding architectural features. The proposed station would partially “...obstruct or eliminate the primary view of an architecturally significant historical building...” This is clearly a substantial impairment of an historic structure by any measure, the direct use of the 2,400 square foot plaza notwithstanding.
- The AFEIS asserts that the station entrance would not “alter” the use of the open space plaza. In fact the plaza is an all too rare urban refuge. Directing 16 pedestrians/minute (too quote the document in another context) into the space would entirely eliminate the leisurely tropical ambiance of the plaza and turn it into high traffic alley-way.

Choosing the Alakea Street alternative would require the creation of a street level station entrance on a standard sidewalk. This is not unheard of with an urban transit project.

This alternative would also have several benefits. It would:

- Represent a less intrusive constructive use rather than a direct use of an historic resource.
- Move the bulk of the Downtown Station south along Nimitz Highway so that it would no longer be close to the Dillingham Building. Although the visual impact of the elevated guideway would remain, the aesthetic qualities of the Dillingham Building would be less diminished with the movement of the elevated station and adjacent touchdown. So, while proximity impacts would remain, the Dillingham Building would no longer be impacted by a direct use. If necessary, the touchdown entrance/exit platform could be extended over the vehicle entrance to the Pacific Guardian Center.
- The plaza and urban refuge abutting the Dillingham Building would remain physically unaltered by the project.

Page 5-43, 5.6.2 Historic Section 4(f) Resources

Project impact in the Dillingham Building would no longer be direct but would still have an adverse effect on the building due to proximity effects since it would “...substantially detract from the setting of a...historic site which derives its value in substantial part due to its setting. The 35’-40’ guideway structure would obstruct or eliminate the primary views of an architecturally significant historical building.” Note that the substantial impairment test is applied after consideration of proposed mitigation measures. The only mitigation possible here is to move the project to street level at this location.

Describe the moving of the planned Downtown Station and the touchdown on Alakea Street as part of “all possible planning to minimize harm to the historic site resulting from the use” and the alternative which would pose the least harm to the 4(f) resource.

Describe the other alternatives as being neither feasible nor prudent. Provide a visual

simulation of the elevated guideway and train on the Dillingham Building using the photograph in the Figure 5-27.

## **Chapter 06 Cost and Financial Analysis**

Page 6-1, Changes to This Chapter since the DEIS

This project will enter New Starts preliminary engineering prior to completion of the FEIS. The FTA letter to HRT permitting entry to PE will include descriptors of the latest information concerning cost, financing, project phasing, etc. Generally describe the stipulations in the PE letter here. If necessary, change project related capital and O&M costs throughout the chapter to reflect most recent estimates contained in the FTA letter.

Based upon the contents of the PE letter, modify other chapters accordingly.

## **07 Evaluation of the Project**

Page 7-4, Table 7-3

Are you saying that in the no-build condition people have no “predictable travel time?”  
Or are you saying that people riding on fixed guideways are not subject to travel delays?  
Is this the best you can do to evaluate travel reliability?

Page 7-4, Table 7-4

This table makes no sense since you are comparing something (station area pop. and employment) to nothing (no station areas).

Page 7-6, Table 7-5

Again, you are comparing something with nothing.

## **Chapter 8 Comments and Coordination**

Page 8-14 8.6.6 Visual

This chapter does not adequately characterize commenter’s concerns regarding visual and aesthetic impacts. Modify substantially.

Page 8-15 8.6.7 Noise

Remove the third sentence regarding bus noise.

Page 8-16 8.6.9 Construction Phasing

The issue of construction phasing remains a concern, and FTA leadership will have to weigh in on this issue. Changes may have to be made to Chapter 2 prior to publication.

Third paragraph – remove the “key reason,” ~~access to the maintenance and storage facility~~. The choice of the 44 acre site in Waipahu near the CC will allow for construction of phase one between Pearl Highlands and Aloha Stadium.